

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

JEFFREY SHARPE,

Plaintiff,

-v-

**CITY OF SPRINGFIELD,
et al.,**

Defendants.

Case No. C-3:10-cv-027

Judge Thomas M. Rose

Magistrate Judge Sharon L. Ovington

**ENTRY AND ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATIONS (Doc. #5) IN ITS ENTIRETY;
OVERRULING SHARPE'S OBJECTIONS (Doc. #8); DISMISSING
SHARPE'S COMPLAINT WITH PREJUDICE; DENYING LEAVE FOR
SHARPE TO APPEAL *IN FORMA PAUPERIS* AND TERMINATING
THIS CASE**

This matter comes before the Court pursuant to Magistrate Judge Sharon L. Ovington's Report and Recommendations regarding pro se Plaintiff Jeffrey Sharpe's ("Sharpe's") Complaint. (Doc. #5.) The Court previously granted Sharpe's Application To Proceed *In Forma Pauperis*. The Magistrate Judge has now reviewed Sharpe's Complaint and recommends that it be dismissed with prejudice because the Complaint was not brought within the applicable statutes of limitations and because Defendants Douglas Rastatter and Daniel Driscoll are immune from Sharpe's lawsuit.

Sharpe has filed Objections to the Report and Recommendations and the Defendants have responded to Sharpe's Objections. This matter is, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court

finds that the Magistrate Judge's Report and Recommendations is adopted in its entirety.

Sharpe's Complaint was brought outside of the applicable statutes of limitations and Defendants Douglas Rastatter and Daniel Driscoll are immune from Sharpe's lawsuit. Sharpe's Complaint is, therefore, **DISMISSED WITH PREJUDICE**. Further, Sharpe's Objections to the Report and Recommendation are **OVERRULED**.

An appeal of this Entry and Order would not be taken in good faith. Therefore, leave for Sharpe to appeal *in forma pauperis* is **DENIED**. Finally, The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

DONE and ORDERED in Dayton, Ohio, this Twenty-Sixth Day of March, 2010.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Jeffrey Sharpe at his last address of record